

Appl. No.09/854,618
Amdt. dated August 25, 2004
Reply to office action of March 25, 2004

Amendments to the Drawings:

Please add Figure 4 as enclosed herewith.

REMARKS/ARGUMENTS

This paper is submitted responsive to the Official Action of March 25, 2004. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner approved the proposed drawing and required submission of same. Enclosed herewith is a new Figure 4 incorporating this proposed drawing.

The Examiner also rejected claims 1 - 10 under 35 USC 112, second paragraph as indefinite. The Examiner suggested amendments to claim 1, and these amendments have been made as suggested. It is therefore respectfully submitted that claims 1 - 10 are now in good form under 35 USC 112, second paragraph.

In the aforesaid action, the Examiner indicated that dependent claim 4 was allowable, and this claim has been re-written into independent form and is submitted to be in condition for allowance, along with dependent claims 5 - 7 which depended there from.

In addition, claim 1 has been amended to recite that the angle between the longitudinal axis and the spaced mounting points is the angle as shown in the present drawings. That is, the angle is defined between the longitudinal axis of the attachment and a line drawn from the upper mounting points through the lower mounting points. In other words, the arm of the attachment device is angled downwardly with respect to the spaced upper and lower mounting points.

This is a preferred embodiment in accordance with the present invention in that this angle, and this orientation of the angle, advantageously serve to allow for the tamper to be used to access various portions of a truck being loaded.

The Examiner had rejected claim 1 as obvious based upon U.S. Patent 4,805,707 to Davis. Although the Examiner has held that the specific angle as set forth in original claim 1 would be an obvious modification to Davis, it is respectfully submitted that claim 1 with its further specific angle, and particularly defined advantage, clearly does define patentably over the Davis reference which shows the oppositely-oriented angle.

Based upon the foregoing, it is respectfully submitted that claim 1 as amended clearly defines patentably over all art of record.

Dependent claims 2 - 3 and 6 - 10 all depend directly or indirectly from independent claim 1, and are submitted to be allowable based upon the arguments above in support of claim 1.

An amendment to the Specification has been made to recite the new Figure 4. No new matter has been introduced.

It is also noted that in the Office Action, the box was checked for line 9, indicating that the Specification was objected to by the Examiner. It is possible that this objection is in fact the objection to the drawings, in which case this objection has been responded to through the incorporation of new Figure 4. If some other objection to the Specification was intended, this objection has not been set forth in the Action and, furthermore, it is respectfully submitted that the Specification is in good form.

It is therefore believed that the application is now in condition for allowance, and such early and favorable action is therefore respectfully solicited.

An earnest and thorough effort has been made to place the application in condition for allowance. If upon consideration of the present response the Examiner feels there are issues

which could be resolved through telephone or personal interview, the Examiner is respectfully invited to telephone the undersigned to discuss same.

It is believed that no additional fee is due in connection with this response. If, however, any fee is due, please charge same to Deposit Account No. 02-0184.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 25, 2004.

Marian R. Capelli